

Order

Michigan Supreme Court
Lansing, Michigan

July 6, 2006

Clifford W. Taylor,
Chief Justice

ADM File No. 2004-48

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

Proposed Amendment of
Rules 8.103, 8.108, and 8.109
of the Michigan Court Rules

On order of the Court, this is to advise that the Court is considering amendments of Rules 8.103, 8.108, and 8.109 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposals or to suggest alternatives. The Court welcomes the views of all. This matter will be considered at a public hearing. The notices and agendas for public hearings are posted on the Court's website at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions are indicated by underlining and
deletions are indicated by strikeover.]

Rule 8.103 State Court Administrator

The state court administrator, under the Supreme Court's supervision and direction, shall:

(1)-(8)[Unchanged.]

(9) approve and publish forms as required by these rules, and such other recommended forms as the administrator deems advisable; and

(10) ~~certify the adequacy of recording devices to be used for making records of different types of proceedings in trial courts pursuant to these rules and applicable statutes and publish a list of certified~~

~~recording devices and the proceedings for which they are certified for use; and~~

(11) [Renumbered as (10), but otherwise unchanged.]

Rule 8.108 Court Reporters and Recorders

(A)-(F) [Unchanged.]

(G) Certification.

(1) Certification Requirement.

(a) Only reporters, recorders, ~~operators~~, or voice writers certified pursuant to this subrule may record or prepare transcripts of proceedings held in Michigan courts or of depositions taken in Michigan pursuant to these rules. This rule applies to the preparation of transcripts of videotaped courtroom proceedings or videotaped or audiotaped depositions, but not to the recording of such proceedings or depositions by means of videotaping. An operator holding a CEO certification under subrule (G)(7)(b) may record proceedings, but may not prepare transcripts.

(b) Proceedings held pursuant to MCR 6.102 or 6.104 need not be recorded by persons certified under this rule; however, transcripts of such proceedings must be prepared by court reporters, recorders, ~~operators~~, or voice writers certified pursuant to this rule.

(c)-(f) [Unchanged.]

(2)-(5) [Unchanged.]

(6) Renewal, Review, and Revocation of Certification.

(a) Certifications under this rule must be renewed annually. The fee for renewal is \$30. Renewal applications must be filed by August 1. A renewal application filed after that date must be accompanied by an additional late fee of ~~\$30~~100. The board may require certified reporters, recorders, operators, and voice writers to submit, as a condition of renewal, such information as the board reasonably deems necessary to determine that the

reporter, recorder, operator, or voice writer has used his or her reporting or recording skills during the preceding year.

(b)-(d)[Unchanged.]

(7) [Unchanged.]

Rule 8.109 Mechanical Recording of Court Proceedings

(A) Official Record. If a trial court uses audio or video recording devices for making the record of court proceedings, it shall use only recording devices that meet the standards as published by the State Court Administrative Office. ~~approved by the state court administrator pursuant to MCR 8.103(10). Except where such a requirement was previously imposed by statute, this provision shall apply only to recording devices purchased after the effective date of this subrule.~~

(B) [Unchanged.]

Staff Comment: These changes would clarify that certified electronic operators do not have the authority to prepare transcripts. The amendments would also increase the late renewal fee to \$100, and would remove references to approval by the state court administrator of recording devices, requiring instead that recording systems meet SCAO-approved standards.

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on these proposals may be sent to the Supreme Court Clerk in writing or electronically by November 1, 2006, at P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to ADM File No. 2004-48. Your comments and the comments of others will be posted at www.courts.mi.gov/supremecourt/resources/administrative/index.htm.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 6, 2006

Corbin R. Davis
Clerk